

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MCDONALD'S CORPORATION,

Plaintiff,

v.

VANDERBILT ATLANTIC
HOLDINGS LLC,

Defendant.
-----X

19 Civ. 06471 (DLI) (SLT)

**DECLARATION OF
HOWARD S. KOH**

HOWARD S. KOH, under the penalties of perjury, declares:

1. I am a partner of Meister Seelig & Fein LLP, counsel for the defendant Vanderbilt Atlantic Holdings LLC ("Vanderbilt"). I make this declaration in support of Vanderbilt's motion for summary judgment.

2. Plaintiff, McDonald's Corporation ("McDonald's"), filed its Complaint in this action on November 15, 2019 (CM/ECF Docket No. 1).

3. Vanderbilt filed its Answer to McDonald's Complaint and Amended Counterclaim, which is the operative pleading, on December 3, 2020 (CM/ECF Docket No. 28).

4. McDonalds filed its Answer to Vanderbilt's Amended Counterclaim on December 17, 2020 (CM/ECF Docket No. 29).

5. The following transcripts of deposition have been prepared in this action and true copies thereof are attached as the Exhibits designated below:

Deponent	Date	Exhibit
Pinchus "Sam" Rottenberg	August 12, 2021	AAA
Michael Meyer	August 17, 2021	BBB
Tom Li	August 31, 2021	CCC
Carol DeMarco	September 17, 2021	DDD

Thomas J. Tener	September 21, 2021	EEE
Sharon Locatell	September 23, 2021	FFF
Morris Missry	September 30, 2021	GGG
Michael P. Hedden	January 20, 2022	HHH
Amanda Aaron	January 21, 2022	III

6. Discovery in this action was completed on January 21, 2022.

7. On March 24, 2022, the Court held a pre-motion conference, at which time the Court ordered that moving papers for this motion be served by April 29, 2022.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on April 28, 2022



HOWARD S. KOH